

WEDNESDAY, JANUARY 9, 1991

SECOND ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Milton Statum, Kingdom Presbyterian Church, Lewisburg, Tennessee.

Representative Pete Phillips led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

REMARKS

Representative Duer requested that the following remarks be spread in the Journal.

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Mr. Speaker Naifeh:

On yesterday, January 8, 1991, at the opening of the 97th General Assembly, your predecessor Speaker Murray, again denied Republicans in the General Assembly the opportunity to be heard on their views.

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Amendments to the rules of the 96th General Assembly, which had been moved to be the temporary rules of the 97th General Assembly, were timely filed and on the Clerk's desk in order to be called up.

Republicans had utilized the procedure prescribed by the Rules of the 96th General Assembly (which had not been adopted, but were certainly of long standing tradition) to seek recognition, and had stood at their desk and thought they had been recognized by Mr Speaker Murray to be heard at the appropriate time.

However, Mr Speaker Murray chose to recognize only one Republican, Representative Chiles, to ignore the tradition of asking of the Clerk 'Mr Clerk, are there other amendments on the desk?', and took unfair advantage of Republicans waiting for recognition by alleging that they were not at their seats seeking recognition at that moment.

Mr Speaker Naifeh, such conduct was a manifestation of Republicans contentions that they are treated differently than are Democrats in the ability to represent their respective districts.

Mr Speaker, we call on you to assure that such high-handed arrogance does not continue through your tenure as Speaker of the Tennessee House of Representatives.

Respectfully,  
/s/Shirley Duer  
Republican Caucus Chair

**INTRODUCTION OF RESOLUTIONS**

**House Joint Resolution No. 0008 --** Memorials, Sports -- Lincoln County High School football team, Class AAA state champions. by \*Phillips

Introduced; held on the Clerk's desk pending appointment of the appropriate standing committee.

**House Joint Resolution No. 0010 --** General Assembly, Joint Conventions -- Calls joint convention to elect Treasurer and Comptroller. by \*Purcell

Introduced; held on the Clerk's desk pending appointment of the appropriate standing committee.

**House Joint Resolution No. 0011 --** General Assembly -- Provides for count and comparison of vote in 1990 Governor's election. by \*Purcell

Introduced; held on the Clerk's desk pending appointment of the appropriate standing committee.

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**House Joint Resolution No. 0012 -- General Assembly -- Adopts reports of audit of Comptroller and Treasurer. by \*Purcell**

Introduced; held on the Clerk's desk pending appointment of the appropriate standing committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

**Senate Joint Resolution No. 0018 -- Memorials, Professional and Business Achievement -- E. W. Wendell, President and CEO of Opryland, USA, Inc.**

Introduced; held on the Clerk's desk pending appointment of the appropriate standing committee.

**RULES SUSPENDED**

Rep. Williams (Shelby) moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 9 out of order, which motion prevailed.

**Senate Joint Resolution No. 0009 -- Memorials, Professional and Business Achievement -- Dr. Mike Overbey, President, American Dental Association.**

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams (Shelby), the resolution was concurred in.

A motion to reconsider was tabled.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration.

**House Bill No. 0012 -- Publications, State -- Requires secretary of state to distribute public acts to assessors of property. Amends TCA 12-6-102. by \*Phillips.**

Passed first consideration.

**House Bill No. 0013 -- Highway Signs -- Webb School, Bell Buckle. by \*Phillips.**

Passed first consideration.

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**\*House Bill No. 0014 -- Election Laws --** Prohibits conversion of campaign funds to personal use; expands requirements for conflict of interest disclosure statements. Amends TCA, Title 2, Ch. 10; Title 8, Ch. 50, Pt. 5. by \*Kisber, \*Naifeh, \*Ridgeway, \*DeBerry, \*Purcell.

Passed first consideration.

**\*House Bill No. 0015 -- Election Laws --** Establishes contribution limits. Amends TCA, Title 2, Ch. 10. by \*Kisber, \*Naifeh, \*Purcell, \*Ridgeway, \*DeBerry.

Passed first consideration.

**\*House Bill No. 0016 -- Financial Disclosure --** Limits certain campaign contributions. Amends TCA, Title 2, Ch. 10, Pt. 1. by \*Kisber, \*Naifeh, \*Ridgeway, \*DeBerry, \*Purcell.

Passed first consideration.

**House Bill No. 0017 -- Lafayette --** Revises provisions for filling vacancies on city council. Amends Chapter 325, Private Acts of 1945, as amended. by \*Wix.

Passed first consideration.

**House Bill No. 0018 -- Development Districts --** Changes date for transmittal of request for appropriations for West Fork Drakes Creek Dam and Reservoir Interstate Authority. Amends TCA, Title 64, Ch. 1, Pt. 9. by \*Wix.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and held on the Clerk's desk as noted.

**\*House Bill No. 0001 -- Appropriations --** Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0002 -- Solid Waste Disposal --** Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0003 -- Solid Waste Disposal --** Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0004 -- Labor --** Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

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**House Bill No. 0005** -- Highway Signs -- Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0006** -- Highway Signs -- Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**House Bill No. 0007** -- Warren County -- Passed second consideration; held on Clerk's desk pending approval of local delegation.

**\*House Bill No. 0008** -- Criminal Offenses -- Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0009** -- Criminal Procedure -- Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**\*House Bill No. 0010** -- White County -- Passed second consideration; held on Clerk's desk pending approval of local delegation.

**\*House Bill No. 0011** -- Motor Vehicles, Titling and Registration -- Passed second consideration; held on Clerk's desk pending appointment of the appropriate standing committee.

**MESSAGE FROM THE SENATE**

**January 9, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 6; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**January 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 24, 25, 28, 29, 30, 31 and 33; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

**January 9, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report

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that we have carefully compared House Joint Resolution(s) No(s). 6; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**January 9, 1991**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 24, 25, 28, 29, 30, 31 and 33.

**SIGNED**  
**January 9, 1991**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 6.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**January 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 9; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**January 9, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 and 32; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0001 -- Memorials, Public Service -- Ray Moore, County Executive, Warren County. by \*Cooper.**

**Senate Joint Resolution No. 0002 -- Memorials, Public Service -- Homer Rogers. by \*Cooper.**

**Senate Joint Resolution No. 0003 -- Memorials, Retirement -- Dr. Robert L. Young. by \*Cooper, Henry.**

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**Senate Joint Resolution No. 0004 -- Memorials, Personal Achievement -- Robert Jason Newby. by \*Cooper.**

**Senate Joint Resolution No. 0005 -- Memorials, Retirement -- Merle C. Meyers. by \*Cooper.**

**Senate Joint Resolution No. 0006 -- Memorials, Death -- Commissioner Huston "Hootie" Prater. by \*Cooper.**

**Senate Joint Resolution No. 0007 -- Memorials, Professional and Business Achievement -- Caney Fork Electric Cooperative, Fiftieth Anniversary. by \*Cooper.**

**Senate Joint Resolution No. 0008 -- Memorials, Professional and Business Achievement -- Floyd Bouldin and Bouldin & Lawson, Inc. by \*Cooper.**

**Senate Joint Resolution No. 0010 -- Memorials, Professional and Business Achievement -- Hoskins A. Shadow, 1990 Nurserymen's Hall of Fame award recipient. by \*Cooper.**

**Senate Joint Resolution No. 0011 -- Memorials, Public Service -- Andy Henshaw, Franklin County. by \*Cooper.**

**Senate Joint Resolution No. 0012 -- Memorials, Public Service -- Wade S. Williams, Tennessee Highway Patrol. by \*Rochelle.**

**Senate Joint Resolution No. 0013 -- Naming and Designating -- Mt. Juliet, Purple Martin Capitol. by \*Rochelle.**

**Senate Joint Resolution No. 0014 -- Memorials, Retirement -- General Sessions Judge Robert Holt. by \*McKnight.**

**Senate Joint Resolution No. 0015 -- Memorials, Death -- Joe H. Womack. by \*Cooper.**

**Senate Joint Resolution No. 0016 -- Memorials, Sports -- Tullahoma High School boys' baseball team. by \*Cooper.**

**Senate Joint Resolution No. 0017 -- Memorials, Professional and Business Achievement -- Burroughs-Ross-Colville Company. by \*Cooper.**

**Senate Joint Resolution No. 0019 -- Memorials, Sports -- Lincoln County High School football team, Class AAA state champions. by \*Cooper, Womack, Rochelle.**

**Senate Joint Resolution No. 0020 -- Memorials, Death -- Former Senator Johnny V. Crow. by \*Springer, Henry.**

**Senate Joint Resolution No. 0021 -- Memorials, Public Service -- Dr. John M. Crothers, Department of Economic and Community Development. by \*Henry.**

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**Senate Joint Resolution No. 0022** -- Memorials, Professional and Business Achievement -- Beecher Clark, 1990 National Blind Worker of the Year. by \*Henry.

**Senate Joint Resolution No. 0023** -- Memorials, Professional and Business Achievement -- Fairview Chamber of Commerce. by \*Jordan.

**Senate Joint Resolution No. 0032** -- Memorials, Death -- Glenn Yoakum. by \*McNally.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

**MOTION TO RECESS**

Representative Purcell moved that, pursuant to Senate Joint Resolution No. 31, the House stand in recess for the purpose of meeting with the Senate in Joint Convention for the purpose of electing the Comptroller and the Treasurer, and that at the conclusion of the Joint Convention, the House adjourn until 9:00 a.m., Thursday, January 10, 1991, which motion prevailed.



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**IN JOINT CONVENTION**

**ELECTION OF CONSTITUTIONAL OFFICERS**

The hour having arrived, set by Senate Joint Resolution No. 31, the House and Senate met in Joint Convention for the purpose of election of the Constitutional Officers.

On motion of Senator Darnell, the roll call of the Senate was dispensed with.

On motion of Representative Purcell, the roll call of the House of Representatives was dispensed with.

Thereupon, the Clerk of the Senate read the Senate Joint Resolution No. 31 authorizing the Joint Convention.

**REPORT OF SELECT COMMITTEES**

Senator Hicks moved that, pursuant to Senate Joint Resolution No. 30, the Report of the Treasury and the Select Committee to audit the Comptroller of the Treasury be adopted and made the action of the House, which motion prevailed.

**REPORT OF THE SELECT COMMITTEE TO REVIEW THE  
AUDITS AND OPERATIONS OF THE COMPTROLLER  
OF THE TREASURY AND  
THE DEPARTMENT OF THE TREASURY**

On January 3, 1991, the select committee appointed by the Speaker of the Senate and the Speaker of the House of Representatives, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 14 of the Legislative Plaza. The select committee is composed of Senator John Hicks and Representative Shelby Rhinehart, who served as co-chairmen, Senator Ben Atchley, Senator Jerry Cooper, Representative John Bragg and Representative John Chiles. A quorum was present. Mr. William R. Snodgrass, Comptroller of the Treasury, presented the following information to the committee:

1. An audit report of the Comptroller of the Treasury for the fiscal year ended June 30, 1990;
2. An audit report of the Department of the Treasury for the fiscal year ended June 30, 1990;
3. A report entitled "State of Tennessee, Comptroller of the Treasury, Department of Audit, Quality Assessment Review for the year ended June 30, 1990" conducted under the direction of the National State Auditors Association; and

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**4. A management letter on the quality assessment review.**

Representative Rhinehart moved that the committee accept the audits of the Comptroller of the Treasury and the Department of the Treasury as being properly conducted and in compliance with all laws and to report such action to the Senate and House of Representatives. Senator Cooper seconded the motion which carried unanimously.

There being no further business, the committee adjourned, sine die.

Senator John T. Hicks, Chairman  
Senator Ben Atchley  
Senator Jerry Cooper

Rep. Shelby Rhinehart, Chairman  
Rep. John Bragg  
Rep. John Chiles

**REPORT OF SELECT COMMITTEE**

Representative DeBerry moved that, pursuant to Senate Joint Resolution No. 29, the report to canvass the vote for Governor be accepted, which motion prevailed.

**REPORT OF SELECT COMMITTEE  
TO CANVASS RETURNS ON THE GOVERNOR'S RACE  
PURSUANT TO SENATE JOINT RESOLUTION NO. 29**

We, the undersigned Joint Committee of the House and Senate of the Ninety-seventh General Assembly, State of Tennessee, certify that we have this day carefully canvassed the official returns of the General Election held throughout Tennessee on Thursday, January 3, 1991, in the Governor's race, now on file in the office of the Secretary of State, and find the results thereof as follows:

Ned McWherter.....480,889  
Dwight Henry.....289,351  
Write-ins..... 100

Independents:  
W. Curtis Jacox.....10,993  
David Brandon Shepard..9,109

Respectfully submitted,

Kenneth N. Springer, Co-Chairman  
Ruth Montgomery  
Thelma Harper

Lois DeBerry, Co-Chairman  
Bill Purcell  
John Chiles

**ELECTION OF COMPTROLLER OF THE TREASURY**

Mr. President Wilder declared the next order of business was the election of the Comptroller of the Treasurer and that nominations were in order.

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Senator Burks placed in nomination the name of the Honorable William R. Snodgrass of White County.

Representative Love seconded the nomination of Mr. Snodgrass.

Representative Sipes placed in nomination the name of the Mr. Eddie Settles of Davidson County.

Representative Chiles seconded the nomination of Mr. Settles.

Senator Darnell moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Snodgrass . . . . .	22
For Mr. Settles . . . . .	10
Pass . . . . .	1

The Clerk of the House called the roll of the House with the following results:

For Mr. Snodgrass . . . . .	56
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Representatives: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Turner, (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 56.

For Mr. Settles . . . . .	42
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Representatives: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Nicefey, Nuber, Peroulas Draper, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 42.

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Total votes for Mr. Snodgrass . . . . .	78
Total votes for Mr. Settles. . . . .	51
Pass. . . . .	1

Mr. President Wilder declared the Honorable William Snodgrass duly, legally and constitutionally elected Comptroller of the Treasury for the ensuing two years.

A motion to reconsider was tabled.

Mr. President Wilder appointed the following committee to escort Mr. Snodgrass to the well of the House: Senators Dunavant, McKnight, O'Brien and Representatives Copeland, Dixon and Hillis.

Mr. Snodgrass expressed his appreciation.

**OATH OF OFFICE**

The Oath of Office was administered to Mr. Snodgrass by the Honorable Chief Justice Lyle Reid of the Tennessee Supreme Court.

**ELECTION OF STATE TREASURER**

Mr. President Wilder declared the next order of business was the election of the State Treasurer and that nominations were in order.

Senator Darnell placed in nomination the name of the Honorable Steve Adams of Marshall County.

Representative Purcell seconded the nomination of Mr. Adams.

Representative Anderson placed in nomination the name of the Mr. Clyde Webb of McMinn County.

Representative McKee seconded the nomination of Mr. Webb.

Representative Purcell moved that nominations cease and that the Clerks of the respective bodies be directed to call the roll, which motion prevailed.

The Clerk of the Senate called the roll of the Senate with the following results:

For Mr. Adams. . . . .	21
For Mr. Webb . . . . .	11
Pass . . . . .	1

The Clerk of the House called the roll of the House with the following results:

For Mr. Adams . . . . .	56
-------------------------	----

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Representatives: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Givens, Hargrove, Head, Herron, Hillis, Holt, Jackson, Johnson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Turner, (Shelby), West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 56.

For Mr. Webb . . . . . 42

Representatives: Allen, Anderson, Bittle, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Kent, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 42.

Total votes for Mr. Adams . . . . . 77  
Total votes for Mr. Webb . . . . . 53  
Pass . . . . . 1

Thereupon, Mr. President Wilder declared the Honorable Steve Adams duly, legally and constitutionally elected State Treasurer for the ensuing two years.

A motion to reconsider was tabled.

Mr. President Wilder appointed the following committee to escort Mr. Adams to the well of the House: Senators Cooper, Davis, Womack; and Representatives Fowlkes, Phillips and Turner (Hamilton).

Mr. Adams expressed his appreciation.

**OATH OF OFFICE**

The Oath of Office was administered to Mr. Adams by the Honorable Chief Justice Lyle Reid of the Tennessee Supreme Court.

Mr. President Wilder relinquished the Chair to Mr. Speaker Naifeh.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Mr. President Naifeh declared the Joint Convention dissolved.